

Joint Committee on Administrative Rules

ADMINISTRATIVE CODE

TITLE 89: SOCIAL SERVICES

CHAPTER IX: ATTORNEY GENERAL

PART 1100 PROGRAMMATIC AND FISCAL REQUIREMENTS FOR ADMINISTERING FUNDS UNDER THE VIOLENT CRIME VICTIMS ASSISTANCE ACT

SECTION 1100.110 SEXUAL ASSAULT PROGRAMS

Section 1100.110 Sexual Assault Programs

- a) **Target Population**
Programs shall provide direct services to persons victimized by sexual assault, their family members and significant others, and witnesses.
- b) **Mandatory Services**
In addition to providing the services listed in Section 1100.70(a)(3), programs intending to apply for funding to serve victims of sexual assault must:
 - 1) Make available a 24-hour crisis intervention hotline to victims to provide information, referral, crisis intervention and support. Direct response is preferred but not required.
 - 2) Provide supportive listening and advocacy at both a personal and system level to assist in the proper care and treatment of victims of sexual assault, affected family members and significant others during medical, police or criminal justice proceedings.
 - 3) Provide 24-hour medical advocacy.
 - 4) Provide individual counseling for victims, affected family members and significant others as appropriate. Any professional providing counseling should have specialized training in the dynamics and treatment of sexual assault and sexual abuse.
 - 5) Provide referrals to appropriate resources within the community to meet the specific needs of the victim, affected family members and significant others.
 - 6) Provide follow-up services, upon request, to the victim, affected family members and significant others.
- c) **Recommended Services**

State of Illinois
Department of Children and Family Services

**SAFETY PLAN RIGHTS AND RESPONSIBILITIES FOR
RESPONSIBLE ADULT CAREGIVERS AND SAFETY PLAN PARTICIPANTS**

As a responsible adult caregiver and safety plan participant, you have the right to:

- a signed copy of the safety plan which clearly explains what is expected of all parties
- receive contact information for the child's parents/guardians and investigator/caseworker
- refuse to participate in the safety plan
- know the estimated length of time the safety plan will be in place
- ask for modifications of the safety plan
- know who the child's primary care physician is and how to access medical care for the child
- know who is responsible for coordinating the child's daycare and school attendance
- know what type of contact is allowed between the child and the parents/guardians and where that contact may occur

As a responsible adult caregiver and safety plan participant, you have the responsibility to:

- notify the parents/guardians and the investigator/caseworker if you can no longer provide care for the child
- notify the investigator/caseworker of any violations of the safety plan
- understand the safety plan is a short term care plan and not a permanent change in custody of the child
- understand the parents/guardians retain legal rights to their child
- implement the safety plan to ensure the safety of the child
- understand the parents/guardians have to provide consent for all medical care of the child and have the right to be informed of the child's medical needs
- ensure the child is available to participate in contact with the parents/guardians as outlined in the safety plan

State of Illinois
Department of Children and Family Services

**SAFETY PLAN RIGHTS AND RESPONSIBILITIES FOR
PARENTS & GUARDIANS**

As Parents/Guardians, you have the right to:

- refuse to enter into a safety plan arrangement for your child
- voluntarily participate in the development of a safety plan, including the identification of temporary caregivers for your child
- request the safety plan be modified or terminated at any time
- maintain contact with your child, as long as that contact does not threaten the safety of the child
- know the length of time a safety plan will be in place, as safety plans are intended to be temporary, short term efforts to ensure the safety of your child
- know the potential consequences if the safety plan is violated
- a copy of the signed safety plan and any subsequent modifications of the safety plan

As Parents/Guardians, you have the responsibility to:

- continue to provide medical care and financial support for your child if someone else is providing temporary care under a safety plan
- provide accurate information to the investigator/caseworker about your mental health, substance use, and domestic violence issues or any other circumstances which might impact the safety of your child
- inform the investigator/caseworker immediately if you have any concerns or problems with the safety plan requirements
- notify the investigator/caseworker of changes to your contact information to ensure you can be reached if a decision is needed regarding your child
- ensure the person providing temporary care for your child has your current contact information in the event parental consent is needed for medical treatment or other emergencies
- notify schools and/or daycare providers of the temporary care plan for your child, or consent to allow DCFS to make notifications on your behalf
- inform DCFS if there are custody orders in place which may be impacted by the safety plan

State of Illinois
Department of Children and Family Services

Safety Plan

A safety plan may only be developed if the safety decision is Unsafe and the supervisor or Area Administrator has given his or her approval for the development of the plan.

Section I – Identifying Information

Case Name:		Date:
SCR or CYCIS ID:		Date of Planned Review:
Type of Plan: <input type="checkbox"/> Child In-Home <input type="checkbox"/> Child Out-of-Home		Date Amended:

Section II – Safety Threats

The following marked Safety Threat(s) from the CERAP Safety Assessment have led to the need for a safety plan:

1. ☐ A Caregiver, paramour or member of the household whose behavior is violent and out of control.
2. ☐ A caregiver, paramour or member of the household is suspected of abuse or neglect that resulted in moderate to severe harm to a child or who has made a plausible threat of such harm to a child.
3. ☐ A caregiver, paramour or member of the household has a documented history of perpetrating child abuse/neglect or there is reasonable cause to believe that he/she previously abused or neglected a child. The severity of the maltreatment, coupled with the caregiver's failure to protect, suggests child safety may be an urgent and immediate concern.
4. ☐ Child sex abuse is suspected and circumstances suggest child safety may be an immediate concern.
5. ☐ A caregiver, paramour or member of the household is hiding the child, refuses access or there is some indication that a caregiver may flee with the child.
6. ☐ Child is fearful of his/her home situation because of the people living in or frequenting the home.
7. ☐ A caregiver, paramour or member of the household describes or acts toward the child in a predominantly negative manner.
8. ☐ A caregiver, paramour or member of the household has dangerously unrealistic expectations for the child.
9. ☐ A caregiver, paramour or member of the household expresses credible fear that he/she may cause moderate to severe harm to a child.
10. ☐ A caregiver, paramour or member of the household has not, will not, or is unable to provide sufficient supervision to protect a child from potentially moderate to severe harm.
11. ☐ A caregiver, paramour or member of the household refuses to or is unable to meet a child's medical or mental health care needs and such lack of care may result in moderate to severe harm to the child.
12. ☐ A caregiver, paramour or member of the household refuses to or is unable to meet the child's need for food, clothing, shelter, and/or appropriate environmental living conditions.
13. ☐ A caregiver, paramour or member of the household whose alleged or observed substance abuse may seriously affect his/her ability to supervise, protect or care for the child.
14. ☐ A caregiver, paramour or member of the household whose alleged or observed mental/physical illness or developmental disability may seriously impair or affect his/her ability to provide care for a child.
15. ☐ The presence of violence, including domestic violence, that affects a caregiver's ability to provide care for a child and/or protection from moderate to severe harm.
16. ☐ A caregiver, paramour, member of the household or other person responsible for a child's welfare engaged in or credibly alleged to be engaged in human trafficking poses a safety threat of moderate to severe harm to the child.

Section IV - Signatures

A: I have discussed the attached safety plan and the consequences of non-compliance with the caretaker and all those who are responsible for carrying out the plan. I have their agreement to abide by the terms and conditions of the plan.

Worker's Signature:	Date:
Telephone Number:	
Supervisor's Name:	Telephone:

Note: If you have questions about the safety plan or your rights under a safety plan, call the worker or supervisor at the numbers listed above. You may also contact the DCFS Advocacy Office at 1-800-232-3798.

B: We have discussed the safety plan with the worker. We understand its contents and that it is voluntary. We agree to abide by the terms and conditions of the plan. If something happens that prevents us from carrying out the plan, we will immediately notify the worker. If the worker is unavailable, we will notify the supervisor. We understand that failure to agree to the plan or to carry out the plan may result in a reassessment of our home and possible protective custody and/or referral to the State's Attorney's Office for a court order to remove my children from my home. We will then have the opportunity to plead our case in court. I have been given a copy of the CFS 1441-D thru F, Safety Plan Rights and Responsibilities.

Signature of Parent/Guardian:	Date:
Signature of Parent/Guardian:	Date:

C: As a Safety Plan Participant, I understand my role and will inform the worker/supervisor if I am unable to fulfill my obligations to this plan. I have been given a copy of the CFS 1441-D thru F, Safety Plan Rights and Responsibilities.

Name:	Signature:
Role/Relationship:	Date:
Name:	Signature:
Role/Relationship:	Date:
Name:	Signature:
Role/Relationship:	Date:

E: Supervisor Approval

☐ Supervisor verbally approved the plan by telephone.

Name:	Date & Time:
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☐ Supervisor's Signature Approval

Signature:	Date & Time:
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Original – Case file Copy 1 & 2 – Parent/Guardian Copy 3 – 5 Responsible Adult Caregiver & Plan Participants

Note: A copy of the safety plan will be distributed at time of signatures to all Parents, Guardians, and Responsible Adult Caregivers and Safety Plan Participants. If there are more than five Participants a copy will be mailed to each additional Participant.

description of what will be done or what actions will be taken to protect children, who will be responsible for implementing the components of the safety plan and how/who will monitor it. It is important that safety plans be developed with the family to control specific threats and that the family understands the mechanism for ending each safety plan. **Under no circumstance is a safety plan to serve as the solution to a long-term problem. A family may request at any time to modify or terminate the safety plan.**

When a safety plan is implemented, it should be documented on a **CFS 1441-A, Safety Plan** when it is likely that a child could be moderately or severely harmed now or in the very near future. The safety plan must be developed whenever there are protective efforts that would reasonably ensure child safety and permit the child to remain in their caregiver's custody. After the safety plan has been developed, it must be immediately implemented to ensure that all of the designated tasks are completed effectively. The safety plan should contain timeframes for implementation and continued monitoring.

IV OVERVIEW

Public Act 98-0830 amends Section 21 (f) of the Children and Family Services Act [20 ILCS 505/21] with respect to safety plans. The Department shall initiate immediate changes to practice, with subsequent changes in policy and procedure, for the implementation of the following requirements:

- The Department or POS caseworker shall provide each parent, guardian and adult caregiver participating in a safety plan a copy of the written safety plan as signed by each parent, guardian and adult caregiver and by the DCFS or POS representative;
- The Department shall provide information to each parent, guardian and adult caregiver participating in the safety plan explaining their rights and responsibilities including, but not limited to, information for how to obtain medical care, emergency phone numbers, and information on how to notify schools or day care providers, when necessary; and
- The Department or POS representative shall ensure that the safety plan is reviewed and approved by their respective supervisor.

V. INSTRUCTIONS

Effective immediately:

- Child Protection and Child Welfare staff shall provide the parent, guardian and adult caregiver participating in a safety plan with a copy of the **CFS 1441-A, Safety Plan** that has been signed by all adult participants and the DCFS/POS representative;

Note: Department and POS staff must use only the **CFS 1441-A, Safety Plan (Rev 12/2014)** that has been revised to meet the requirements of PA 98-0830.

- The Department or POS representative shall provide each parent/guardian, adult caregiver and safety plan participant with information explaining their rights and responsibilities including, but not limited to: information for how to obtain medical care for the child, emergency contact information for participants including phone numbers and information on how to notify schools and day care providers of safety plan requirements. The rights and responsibilities of each parent/guardian, adult caregiver, safety plan participant and child protection/child welfare staff are listed in new forms **CFS 1441-D, Safety Plans Rights and Responsibilities for Parents and Guardians; CFS 1441-E, Safety Plan Rights and Responsibilities for Responsible Adult caregivers and Safety Plan Participants; CFS 1441-F, Safety Plan Responsibilities for Child Protection Specialists and Child Welfare Caseworkers.** All CFS 1441 forms are available in central stores, templates, and the website; and
- After receiving verbal supervisory approval of the safety plan prior to leaving the family home, the Department or POS representative shall submit the signed **CFS 1441-A** to their respective supervisor for review and approval.

VI. ATTACHMENTS

CFS 1441-A, Safety Plan (Rev 12/2014)

CFS 1441-D, Safety Plans Rights and Responsibilities for Parents and Guardians (New 12/2014);

CFS 1441-E, Safety Plan Rights and Responsibilities for Responsible Adult caregivers and Safety Plan Participants (New 12/2014); and

CFS 1441-F, Safety Plan Responsibilities for Child Protection Specialists and Child Welfare Caseworkers (New 12/2014).

Please note that the **CFS 1441-A** is printed on a 6 Part form and available from Central Stores. The **CFS 1441-D – F** are printed on regular paper and available from Central Stores, DCFS Website and T drive. All forms will be available in Spanish.

VII. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

VIII. FILING INSTRUCTIONS

This Policy Guide should be filed immediately after **Procedures 302.250 Paramour Involved Families; Procedures 302.260 Domestic Violence; Procedures 302.388 Intact Family Services; Procedures 302 Appendix B Older Caregivers; Procedures 315.110 Worker Contacts and Interventions; Procedures 315 Appendix A CERAP and Procedures 300 Appendix G CERAP.**

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Policy Guide 2014.20

Procedures 300 Reports of Child Abuse and Neglect Procedures 302 Services Provided by the Department Procedures 315 Permanency Planning

DATE: December 31, 2014
TO: All Child Protection and DCFS/POS Child Welfare Staff and Supervisors
FROM: Bobbie Gregg, Acting Director *Bobbie Gregg*
EFFECTIVE: January 1, 2015

I. PURPOSE

The purpose of this Policy Guide is to provide instruction to Child Protection and Child Welfare staff for the implementation of changes in policy and procedure, as required by recent changes made by PA 98-0830 to the Children and Family Services Act. The instructions in this Policy Guide will be incorporated into **Procedures 302.250 Paramour Involved Families; 302.260 Domestic Violence; 302.388, Intact Family Services, 302 Appendix A Substance Affected Families; 302 Appendix B Older Caregivers; Procedures 315.110 Worker Contacts and Interventions; Procedures 315 Appendix A CERAP and Procedures 300 Appendix G CERAP.**

This Policy Guide is effective January 1, 2015.

II. PRIMARY USERS

Primary users are all Child Protection Specialists and Supervisors and all DCFS/POS Child Welfare Workers and Supervisors.

III. BACKGROUND

Procedures 300 Appendix G CERAP/Procedures 315 Appendix A CERAP (Current)

Safety Plans

Safety plans are voluntary, temporary and short term measures designed to control serious and immediate threats to children's safety. They must be adequate to ensure the child's safety and be as **minimally disruptive** to the child and family as is reasonably possible. Additionally, families can request that a safety plan be modified or terminated at any time. The safety plan will indicate which safety threat or threats have led to the need for a safety plan according to the completion of the CERAP. The safety plan will require a written



Responses

- ⇒ The statement is not hearsay because I have shown that:
 - ⇒ the statement was made by the party opponent; or
 - ⇒ Statement Adopted by Act, Conduct, Silence – Vicarious Admission: the statement was made by a person and was adopted by the party opponent as the party's own by his act, conduct or silence, and it therefore a vicarious admission of the party opponent; or
 - ⇒ Agent – Vicarious Admission: the statement was made by an agent authorized to speak on behalf of a party opponent and is thus a various admission of the party; or
 - ⇒ Person in Privity: the statement was made by a person in privity with a party.

Explanation: See Cleary & Graham, Sec. 802. Any statement made by a part of adopted by a party directly or vicariously is admissible against the party if the statement is relevant and its probative value is not outweighed by its prejudice.

Note the historical rule that a guardian of an infant may not make admissions, including statements in pleadings, binding on a minor. See, *Anderson v. Anderson*, 39 Ill.App.2d 141 (1963).

Hearsay: Non-Hearsay Child Abuse (including Sexual Abuse)

Objection

- ⇒ I object. The question calls for a hearsay answer.
- ⇒ I move to strike the answer as hearsay.

Responses

- ⇒ The statement is not hearsay because I have shown that the statements constitute, "previous statements made by the child relating to any allegation that the child is an abused or neglected child" within the meaning of the Abused and Neglected Child Reporting Act or the Juvenile Court Act of 1987. Section 607e) of the IMDMA provides that such statements are admissible in a hearing concerning custody or visitation with the child.

Explanation: Section 607(a) provides:

Previous statements made by the child relating to any allegations that the child is an abused or neglected child***shall be admissible in evidence in a hearing concerning custody of or visitation with the child. No such statement, however, if uncorroborated and not subject to cross-examination, shall be sufficient in itself to support a finding of abuse or neglect.

There is an issue whether such statements would be admissible within proceedings under the IDVA. The argument that such statements are admissible in proceedings under the IDVA include the fact that the IDVA provides that temporary custody in such proceedings are determined pursuant to the provisions of the IMDMA and the IPA of 1984 and that the court has the right to "determine the visitation rights, if any, of respondent in any case in which the court awards physical care or temporary

accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.

(6) Records of Regularly Conducted Activity. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record or data compilation, all as shown by the testimony of the custodian or other qualified witness, or by certification that complies with Rule 902(11), unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness, but not including in criminal cases medical records. The term "business" as used in this paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

(7) Absence of Entry in Records Kept in Accordance With the Provisions of Paragraph (6). Evidence that a matter is not included in the memoranda reports, records, or data compilations, in any form, kept in accordance with the provisions of paragraph (6), to prove the nonoccurrence or nonexistence of the matter, if the matter was of a kind of which a memorandum, report, record, or data compilation was regularly made and preserved, unless the sources of information or other circumstances indicate lack of trustworthiness.

(8) Public Records and Reports. Records, reports, statements, or data compilations, in any form, of public offices or agencies, setting forth (A) the activities of the office or agency, or (B) matters observed pursuant to duty imposed by law as to which matters there was a duty to report, excluding, however, police accident reports and in criminal cases medical records and matters observed by police officers and other law enforcement personnel, unless the sources of information or other circumstances indicate lack of trustworthiness.

(9) Records of Vital Statistics. Facts contained in records or data compilations, in any form, of births, fetal deaths, deaths, or marriages, if the report thereof was made to a public office pursuant to requirements of law.

(10) Absence of Public Record or Entry. To prove the absence of a record, report, statement, or data compilation, in any form, or the nonoccurrence or nonexistence of a matter of which a record, report, statement, or data compilation, in any form, was regularly made and preserved by a public office or agency, evidence in the form of a certification in accordance with Rule 902, or testimony, that diligent search failed to disclose the record, report, statement, or data compilation, or entry.

(11) Records of Religious Organizations. Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) Marriage, Baptismal, and Similar Certificates. Statements of fact contained in a certificate that the maker performed a marriage or other ceremony or administered a sacrament, made by a clergyman, public official, or other person authorized by the rules or practices of a religious organization or by law to perform the act certified, and purporting to have been issued at the time of the act or within a reasonable time thereafter.

(13) Family Records. Statements of fact concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions on family portraits, engravings on urns, crypts, or tombstones, or the like.